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ORRICK, HERRINGTON & SUTCLIFFE, LLP
4 PARK PLAZA
SUITE 1600
IRVINE, CA 92614-2558

EXAMINER

SHANG, ANNAN Q

ART UNIT

PAPER NUMBER

2614

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Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/295,935

Applicant(s)

STECYK ET AL.

Examiner

Annan Q Shang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 October 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 September 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Kwoh (6,226,793).

As to claim 1, note the Kwoh reference Figures 1-6, 30 and 31a, discloses an apparatus and method for allowing rating level control of the viewing of a program, including a device for entering a desired rating level for controlling the viewing of a program, extracting rating data from a program video segment, rating data indicating a rating level of the program video segment and a device for extracting text data representative of the content of the program video segment from the video segment, and further teaches a method of supervising personal exposure to a consumer electronics device, the method comprising: receiving a program signal, Parental Control Circuitry 40 receives television Signal Source input 39, suitable for conversion by the

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consumer electronics device into user discernible information, audio/visual (A/V) information; receiving a content-based indicator indicative of the content of the user discernible information; receiving timing information indicative of a reference time; note the command controller 36 within Parental Control 40 receives the A/V program encoded with content-based indicator (rating level, objectionable matter, violence, nudity or language) and timing information, note Figures 21 and 22a, clock run-in 624 in figure 22a transmits timing information, col. 15, lines 30-51, Remote Controller 12, selects a content-based specification, desired rating level selected, and selects a finite time range specification associated with the selected content-based specification, note figures 1, 11, col. 5, lines 14-20 and col. 6, lines 1-20, comparing the selected content-based specification with received content-based indicator when the reference time falls within the finite time range specification; and generating a control signal based on the comparison between the selected content-based specification and the received content-based indicator, note Figures 30, element 912 of figures 31a-b and col. 18, line 54-col. 19, line 26.

As to claim 2, Kwoh further discloses a method where the content-based indicator is carried by the program signal, note Figures 30 and col. 18, lines 54-67.

As to claim 3, Kwoh further discloses a method where the content-based indicator and the timing information are carried by the program signal, note Figures 30 and col. 18, lines 54-67.

As to claim 4, Kwoh further discloses a method where the timing information is generated within the consumer electronics device, note Figure 2 and col. 4, lines 25-40.

As to claim 5, Kwoh further discloses method where the reference time indicated by the timing information is the current time, note Figure 2 and col. 4, lines 25-40.

As to claim 6, Kwoh further discloses a method where each of the received content-based indicator and the selected content-based specification is a rating, note col. 18, lines 54-67.

As to claim 7, Kwoh further discloses a method where a block control signal is generated, if the received rating exceeds the selected content-based rating, note col. 19, lines 1-25.

As to claim 8, Kwoh further discloses a method, where each of the received content-based indicator and the selected content-based specification is a subject matter category, note col. 8, lines 7-20 and col. 18, line 54-col. 19, line 26.

As to claim 9, Kwoh further discloses a method, where a block control signal is generated if the received subject matter category matches the selected subject matter category, note col. 19, lines 1-25.

As to claim 10, Kwoh further discloses a method, where the control signal is a block control signal, and further comprising impairing the program signal in response to the block control signal. note col. 19, lines 1-25.

As to claim 11, Kwoh further discloses a method where the program signal is blocked in response to the block control signal, note col. 19, lines 1-25.

As to claim 12, Kwoh further discloses a method where the consumer electronics device is a television system and the user discernible information comprises audio/video information, col. 4, line 60-col.5, line 20.

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As to claim 13, note the Kwoh reference Figures 1-6, 30 and 31a, discloses an apparatus and method for allowing rating level control of the viewing of a program, including a device for entering a desired rating level for controlling the viewing of a program, extracting rating data from a program video segment, rating data indicating a rating level of the program video segment and a device for extracting text data representative of the content of the program video segment from the video segment, and further teaches a method of supervising personal exposure to a consumer electronics device, the method comprising; receiving a program signal, Parental Control Circuitry 40 receives television Signal Source input 39, suitable for conversion by the consumer electronics device into user discernible information, audio/visual (A/V) information, receiving a content-based rating indicative of the content of the user discernible information, note the command controller 36 within Parental Control 40 receives the A/V program encoded with content-based rating (rating level, objectionable matter, violence, nudity or language) and timing information, note Figures 21 and 22a, clock run-in 624 in figure 22a transmits timing information, col. 15, lines 30-51, receiving a timing signal indicative of a reference time; Remote Controller 12 selects a first content-based rating and selects a first finite time range specification associated with the first content-based rating, note figures 1, 11, col. 5, lines 14-20 and col. 6, lines 1-20, comparing the first selected content-based rating with the received content-based rating when the reference time falls within the first finite time range specification; and impairing the program signal if the received content-based rating exceeds the first

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selected content-based rating, note Figures 30, element 912 of figures 31a-b and col. 18, line 54-col. 19, line 26.

As to claim 14, Kwoh further discloses a method where the program signal is impaired by scrambling the program signal, note col. 6, lines 26-53.

As to claim 15, Kwoh further discloses a method where the program signal is impaired by blocking the program signal, note col. 8, lines 7-20.

As to claim 16, Kwoh inherently teaches a method where the selected time range specification repeats for each day of a workweek.

As to claim 17, Kwoh further discloses a method further comprising: selecting a second content-based rating different from the first selected content-based rating; selecting a second finite time range specification associated with the second selected content-based rating, note col. 6, lines 25-53, comparing the second selected content-based rating with the received content-based rating when the reference time falls within the second finite time range specification; and impairing the program signal if the received content-based rating exceeds the second selected content-based rating, Figures 30, 31a-b and col. 18, line 54-col. 19, line 26.

As to claim 18, Kwoh further discloses a method further comprising: selecting a second finite time range specification associated with the first selected content-based rating; note col. 6, lines 25-53, and comparing the first selected content-based rating with the received content-based rating when the reference time falls within the second finite time range specification, Figures 30, 31a-b and col. 18, line 54-col. 19, line 26.

As to claim 19, note the Kwoh reference Figures 1-6, 30 and 31a, discloses an apparatus and method for allowing rating level control of the viewing of a program, including a device for entering a desired rating level for controlling the viewing of a program, extracting rating data from a program video segment, rating data indicating a rating level of the program video segment and a device for extracting text data representative of the content of the program video segment from the video segment, and further teaches a recordable medium for a consumer electronics device comprising a computer program comprising steps for: receiving a content-based indicator indicative, Parental Control Circuitry 40 receives television Signal Source including the content-based indicator (rating level, objectionable matter, violence, nudity or language) from input 39, of the content of user discernible information, audio/visual (A/V) information, into which a program signal received by the consumer electronics device is converted and receiving timing information indicative of a reference time; note Figures 21 and 22a, clock run-in 624 in figure 22a transmits timing information, Remote Controller 12, selects a content-based specification, rating level, selects a finite time range specification associated with the selected content-based specification, note figures 1, 11, col. 5, lines 14-20 and col. 6, lines 1-20, comparing the selected content-based specification with the received content-based indicator when the reference time falls within the finite time range specification; and generating a control signal based on the comparison between the selected content-based specification and the received content-based indicator, note Figures 30, element 912 of figures 31a-b and col. 18, line 54-col. 19, line 26.

As to claim 20, Kwoh further discloses a recordable medium where each of the received content-based indicator and the selected content-based specification is a rating, note col. 18, lines 54-67.

As to claim 21, Kwoh further discloses a recordable medium where the control signal is generated if the received rating exceeds the selected rating, note col. 5, lines 31-40 and col. 19, lines 1-25.

As to claim 22, Kwoh further discloses a recordable medium where each of the received content-based indicator and the selected content-based specification is a subject matter category, note col. 19, lines 1-25

As to claim 23, Kwoh further discloses a recordable medium where the control signal is generated if the received subject matter category matches the selected subject matter category, note col. 5, lines 31-40 and col. 19, lines 1-25.

As to claim 24, Kwoh further discloses a recordable medium where the control signal is generated to impair the program signal, note col. 5, lines 31-40 and col. 8, lines 7-20.

As to claim 25, note the Kwoh reference Figures 1-6, 30 and 31a, discloses an apparatus and method for allowing rating level control of the viewing of a program, including a device for entering a desired rating level for controlling the viewing of a program, extracting rating data from a program video segment, rating data indicating a rating level of the program video segment and a device for extracting text data representative of the content of the program video segment from the video segment, and further teaches a consumer electronics device having "V-chip" circuitry for

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supervising personal exposure to user discernible information, note Figure 2, Parental Control Circuitry 40 receives television Signal Source input 39, comprising: non-volatile memory, Ram 84 within Command Controller 36 which part of Parental Control Circuitry 40, configured for receiving from Remote controller 12, a content-based specification, desired rating level, and a finite time range specification; note figures 1, 11, col. 5, lines 14-20 and col. 6, lines 1-20, a logic unit, Micro-processor 80 note figure 5 and col. 9, lines 19-39, coupled to the non-volatile memory Ram 84 and being configured for comparing a content-based indicator, rating level, objectionable matter, violence, nudity or language, with the content-based specification, desired rating level, when a reference time falls within the finite time range specification, the logic unit 80, being further configured for generating a control signal in response to the comparison between the content-based indicator and the content-based specification, note Figures 30, element 912 of figures 31a-b and col. 18, line 54-col. 19, line 26, a signal impairment mechanism, Programmable Multiple Channel Filter 60, coupled to the logic unit and configured for, based on the control signal, selectively passing a program signal therethrough without substantial impairment or impairing the program signal Figures 2, 3 and col. 4, line 60-col. 5, line 20

As to claim 26, Kwoh further discloses a consumer electronics device further comprising an output device coupled to the signal impairment mechanism 60, for transforming the program signal into the user discernible information, note Figure 2 and col. 4, lines 25-32

As to claim 27, Kwoh further discloses a consumer electronics device further comprising a data entry system for selectively inputting the content-based specification and associated finite time range specification into the non-volatile memory for storage, note figure 5 and col. 6, lines 25-59.

As to claim 28, Kwoh further discloses a consumer electronics device where the non-volatile memory 84, includes a look-up list for storing a plurality of content-based specifications and associated finite time range specifications, note figure 5 and col. 6, lines 25-59

As to claim 29, Kwoh further discloses a consumer electronics device where the program signal carries the content-based indicator and reference time, and further comprising a data extraction device 60, coupled to the logic unit 80, for extracting the content-based indicator and reference time from the program signal, note col. 6, lines 25-59.

As to claim 30, Kwoh further discloses a consumer electronics device where the signal impairment device is a switch, note element 61 in figure 3.

As to claim 31, Kwoh further discloses the a consumer electronics device where the output device is a television system audio/video device, note TV Monitor 45 of Figure 1 and col. 3, lines 53-67.

As to claim 32, Kwoh further discloses a method where the content-based specification and the finite time range specification are selected by a user of the consumer electronics device by inputting the content-based specification and finite time range specification into the consumer electronics device, note col. 4, lines 9-40.

As to claim 33, Kwoh further discloses a method where the content-based specification and the finite time range specification are selected by a user of the consumer electronics device by selecting a content-based specification and finite time range specification preprogrammed by the manufacturer of the consumer electronics device, note figure 25 and col. 16, line 66-col. 17, line 31.

As to claim 34, Kwoh further discloses a consumer electronics device where the nonvolatile memory comprises a content-based specification and a finite time range specification pre-programmed by the manufacturer of the consumer electronics device, and further comprising a data entry system for selecting the pre-programmed content-based specification and finite time range specification, note figure 25 and col. 16, line 66-col. 17, line 31.

Response to Arguments

3. Applicant's arguments with respect to claims 1-34 have been considered but are moot in view of the new ground(s) of rejection discussed above.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Yuen et al (6,321,381) disclose an apparatus and method for improved parental control of television use.

Malkin et al (6,317,795) disclose a dynamic modification of multimedia content.

Kwoh et al (6,115,057) disclose an apparatus and method for allowing rating level control of the viewing of a program.

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Collings (5,828,402) discloses a method and apparatus for selectively blocking audio and video signals.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Annan Q Shang whose telephone number is 703-305-2156. The examiner can normally be reached on 700am-500pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W Miller can be reached on 703-305-4795. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-5991 for regular communications and 703-746-5991 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service whose telephone number is 703-306-0377.



Annan Q. Shang
December 30, 2002



JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600